

# Massachusetts Environmental Police Officers Association

The Honorable Claire Cronin  
House Chairwoman  
Joint Committee on the Judiciary  
State House, Room  
Boston, MA 02133

RE: SB 2820, Police Reform Legislation

Dear Chairwoman Cronin:

On behalf of the men and women that make up the Massachusetts Environmental Police Officers Association ("EPOA"), please accept this testimony in regard to SB 2820, the so-called police reform legislation.

While well intentioned, the EPOA believes that SB 2820 goes too far in certain areas, most notably with regard to placing limits on the doctrine of qualified immunity. The legal doctrine of qualified immunity is complex, and often misunderstood. Despite what may be frequently reported, qualified immunity does not serve to protect illegal activity by law enforcement. Instead, the doctrine safeguards all public officials in situations where the law is unclear and does not provide them with adequate guidance. It already allows lawsuits to move forward if a police officer had fair notice that his or her conduct was unlawful, but acted anyway. This is a reasonable protection afforded to law enforcement officers performing one of the most difficult jobs in government, often under incredibly dangerous and stressful situations.

Proponents of limiting qualified immunity have not been able to point to any cases in Massachusetts where wrongful conduct by a police officer has been protected by qualified immunity. As previously mentioned, the legal doctrine of qualified immunity is complex and changes should be made only after there has been thorough and lengthy study of the subject. It should certainly not be rushed to try and beat a legislative clock. Abolishing or restricting qualified immunity will have many unintended consequences. And since the doctrine applies to all state employees, not just police officers, the consequences will be wide ranging. As such, we urge the Massachusetts House of Representatives to be deliberate in their review before any changes are made. As such, the EPOA is ready and willing to participate in any meaningful deliberations by the Committee.